

**PLANNING BOARD
TOWN OF MARILLA**

Date: June 16, 2005

Present: Debbie Zimmerman, Chairman Barbara Spanitz, Town Board
Nathan Barnard, Co-Chairman Robert Miller, Consult
Dan Handy John Fronczek, CEO
Judy Gillman
Rich Janiga
Paul Domanowski
Tom Wantuck

Guests: John Foss, Supervisor, Fred Specht, Councilman, George Gertz,
Councilman, Warren Handley, Councilman, Nancy Lemke, Leonard Janiga,
Nancy Gish, Roger Gustavel

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:03 p.m.
- II. **MOTION** to accept May minutes, with two corrections, by Richard Janiga, seconded by Dan Handy. All in favor – 7 ayes.
- III. Old Business

The Planning Board and Town Board discussed the following regarding flag lots:

Fred Specht feels the right of way should be increased from 30 feet to 50 feet. Warren Handley suggested a building area of 100 feet where your accessory building would go. Fred Specht feels the front of a flag lot should be defined. John Foss questioned why 30 feet is too close. Dan Handy suggested 100 feet all the way around to protect the neighboring houses keeping the accessory buildings at 30 feet.

John Foss mentioned the CAB suggested putting a distance requirement and Dan Handy responded that is the 100 foot buffer. Rich Janiga stated that may be the compromise if there is an existing residence. John Foss stated we do need to keep the regulations enforceable and not too complicated.

A discussion took place regarding one house per driveway or one driveway with two houses per original flag lot. Rich Janiga stated if we are allowing one flag lot per parcel then the driveway issue is mute. The Planning Board voted 4 in favor of one house per driveway and 3 in favor of two houses per driveway. The Town Board voted 1 in favor of one house per driveway and 4

in favor of two houses per driveway. John Foss stated in 1996 when the rules changed to not allow subdivisions it did affect many residents financially and we do need to think of the landowners who are paying taxes who do have rights. Barbara Spanitz stated there are many procedures to go through in which instance it may not be granted but feels the option should be there for an individual. Fred Specht stated the Zoning Board of Appeals does have legislative power so if a farmer has an issue in which he feels he is being discriminated against he can go to the ZBA.

Warren Handley asked if we are creating mini-subdivisions by having lots in the back.

It was decided the utilities should be underground.

There should be turnarounds on any driveway over 100 feet for flag lots. It shall be discussed later for regular lots. Discussion over recommended 30 feet or 50 feet and the P.B. felt 30 feet was sufficient. Bob Miller suggested 66 feet.

John Foss stated we are going to require people to sign a waiver that the town is not responsible where emergency vehicles are unable to get to.

Rich Janiga suggested some type of screening requirements such as trees, etc. John Foss feels this law should be flexible. Bob Miller stated there are provisions in the code regarding screening.

John Foss stated flag lots are not under Special Use Permit and if we are going to call it a Special Use Permit it must be defined in the ordinance. The Special Use Permit will make flag lots easy to keep track of. Rich Janiga suggested maybe narrowing down the Special Use Permit checklist when using it for flag lots. Dan Handy suggested a public hearing would be beneficial to get the neighbors expressing their concerns.

A discussion took place regarding permits for driveways. Warren Handley stated that under our Special Use Permit you cannot break ground until you have approval from the Town Board or Building Inspector. John Foss stated there is a permit required by the state to put a driveway in and this is hard to enforce.

John Foss stated we should be flexible regarding people building a home and then creating a flag lot by selling off the frontage.

Dan Handy stated the P.B. feels that by limiting one flag lot or two houses per original deed you will not have to worry about prime farmland. Rich Janiga stated you can build on prime farmland with a regular lot so why not with flag

lots. Warren Handley wondered how it will preserve our rural character and how many parcels this will effect.

Chairman Debbie Zimmerman stated the P.B. did vote unanimous to remove “prime farmland.” Fred Specht stated he spoke to a farmer who was concerned that if the back land is developed it will make his job more difficult and wondered if we should restrict the depth. Fred Specht wondered if the flag lot issue affects the farming community. Rich Janiga feels it does not. Warren Handley feels we should try to promote smaller farms. Dan Handy responded the U.S.A. wants the larger farms. John Foss feels the P.B. should put their flag lot rules together and make a recommendation hoping to move the process along before the end of the summer.

John Foss stated we need to define subdivisions in regard to the word “intent.” Bob Miller stated he would like to have a gentleman from Erie County come and speak to the Town Board and P.B. regarding subdivisions. It was decided to try to meet July 19.

The Town Board has met with the people from the Berner Golf Course with the intent of building on 62 to 63 lots and now feels the P.B. should look at it. Attorney Nathan Neill feels this should be an overlay zone and will become a Local Law. John Foss stated that there is not a sketch plan in our zoning books so maybe we can develop a pre-sketch plan. The Town of Alden has looked at the Berner Golf Course plan and are in favor of it. John Foss stated the golf course will be built before the homes. Chairman Debbie Zimmerman asked if we could get some information before they attend the P.B. meeting.

IV. New Business

None

V. CEO Report

John Fronczek stated that there are only single family homes on flag lots.

VI. Town Board Report

Barbara Spanitz stated the issue of the Berner Golf Course will be coming before the PB soon.

VII. Open Presentations from the Floor

None.

Nathan Barnard mentioned the Rohl property with the only problem being the possibility of some day the risk of having adult entertainment and questioned

the possibility of adding a zoning restriction. Richard Janiga stated to have the owner put a deed restriction against adult entertainment.

VIII. **MOTION** to adjourn at 9:20 p.m. Richard Janiga moved, seconded by Dan Handy, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk